

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**INTERCOMMUNITY JUSTICE AND  
PEACE CENTER; Erlin Lorena  
RODRIGUEZ ENAMORADO,  
individually and as next friend of J.G.R.;  
Maria MONJARAZ, individually and as next  
friend of A.M.; and Maria CABRERA,  
individually and as next friend of K.I.A., on  
behalf of themselves and all others similarly  
situated,**

**Plaintiffs,**

**v.**

**Don PETIT, Registrar, Ohio Bureau of Motor  
Vehicles, in his official capacity,**

**Defendant.**

**No. 2:18-cv-1247**

**Chief Judge Sargus**

**Magistrate Judge Jolson**

**STATEMENT OF STIPULATED FACTS**

Exclusively for the purpose of the dispositive motions, the parties, through their respective attorneys, hereby agree and stipulate to the accuracy of the facts set forth below.

**Bureau of Motor Vehicles:**

1. The Bureau of Motor Vehicles (“BMV”) is a division of the Ohio Department of Public Safety, a state agency.

2. The BMV has exclusive authority to issue driver’s licenses and state identification cards in the state of Ohio.

3. The BMV has signed contracts with 186 Deputy Registrars, as independent contractors, which provide services throughout Ohio's 88 counties, including issuing driver's licenses and state identification cards. *See* Ohio Rev. Code §§ 4303.03 and 4507.01(B).

4. The relationship between the BMV and its Deputy Registrars is contractual in nature. Deputy Registrars are compensated via payment of fees. *See, e.g.*, Ohio Rev. Code § 4503.038; Ohio Adm. Code § 4501:1-6-11.

5. At all relevant times, Don Petit has been the Registrar of the Bureau of Motor Vehicles. His authority is set forth in statute. *See, e.g.*, Ohio Rev. Code § 4501.02.

6. Ohio, along with at least 24 other states and the District of Columbia, has agreed to comply with the REAL ID Act of 2005 (Pub.L. 109–13, 119 Stat. 302, contained in 8 U.S.C. Chapter 12, Subchapter I, § 1101, et seq.), thereby ensuring that its residents may use their Ohio driver's licenses to enter federal facilities and board commercial domestic flights.

7. Deferred Action for Childhood Arrival (DACA) recipients are lawfully present during the deferred action period.

8. On March 29, 2013, the Ohio BMV announced that it would begin to issue nonrenewable/nontransferable driver's licenses to DACA recipients who otherwise meet the requirements for driver's license issuance, contingent upon verification of their status with the United States Citizenship and Immigration Service (USCIS) database known as the Systematic Alien Verification for Entitlements (SAVE) program. The BMV continues to issue nonrenewable/nontransferable driver's licenses or state identification cards to DACA recipients who meet other eligibility requirements for a driver's license or state identification card. The BMV accepts DACA recipients' Employment Authorization Documents as proof of "legal presence."

9. Individuals with Special Immigrant Juvenile status (minors who are otherwise ineligible to obtain permanent residency but may be eligible because of abuse, neglect, or abandonment by one or both parents pursuant to 8 U.S.C. § 1101(a)(27)(J)) who have a pending application for adjustment of status to lawful permanent residence (“Form I-485”) can meet the BMV’s “legal presence” requirement by presenting their Employment Authorization Document.

Applicable Ohio Laws and BMV Policies:

10. For a minor under 18 years of age to receive a probationary license or a driver’s license, the application must be “signed by one of the minor’s parents, the minor’s guardian, another person having custody of the applicant, or, if there is no parent or guardian, a responsible person who is willing to assume liability for the minor.” Ohio Rev. Code § 4507.07(A). The Deputy Registrar Procedure Manual provides that U.S. Citizens, permanent residents, and temporary residents serving as co-signers are required to provide an Ohio credential or proof of full legal name, date of birth, social security number if assigned, Ohio residential street address, and U.S citizenship or legal presence. Deputy Registrar Procedure Manual: Proof of Identity (revised 1-22-2019), pp. 5-8, attached hereto as Exhibit A. Under BMV policy, if the co-signer is not an Ohio resident, she is required to provide an out-of-state credential (such as an acceptable out-of-state driver’s license or identification card) and proof of social security number. *Id.*

11. BMV policy requires that co-signers of driver’s license and state identification card applications “must be asked if he or she is the legal parent or guardian of the applicant but [are] not required to provide documentation proving the relationship or guardianship.” Drivers Manual (revised 12-4-2018), Chapter 3, p. 7. attached hereto as Exhibit B).<sup>1</sup>

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<sup>1</sup> Various chapters of the Drivers Manual were revised on different dates reflected in footers. For identification purposes, we reference the latest revision of any of the chapters, December 4, 2018.

Plaintiffs

12. Assuming the allegations in the Complaint are correct, under current BMV policy, minor Plaintiffs K.I.A., A.M., and J.G.R. all meet the BMV's "legal presence" requirement.

13. Plaintiff Intercommunity Justice and Peace Center is a nonprofit organization based in Cincinnati.

14. Allison Reynolds-Berry is the Executive Director of IJPC.

It is so stipulated,

By:

David Yost (0056290)  
Attorney General of Ohio

/s/ Emily M. Brown

Emily M. Brown  
Kathleen C. Kersh  
Mark R. Heller  
Eugenio Mollo, Jr.  
Advocates for Basic Legal Equality, Inc.  
130 West Second St., Suite 700E  
Dayton, Ohio 45402  
937.535.4408 (phone)  
937.535.4600 (fax)  
[ebrown@ablelaw.org](mailto:ebrown@ablelaw.org)  
[kkersh@ablelaw.org](mailto:kkersh@ablelaw.org)  
[mheller@ablelaw.org](mailto:mheller@ablelaw.org)  
[emollo@ablelaw.org](mailto:emollo@ablelaw.org)

Caroline Gentry  
Ana P. Crawford  
David P. Shouvlin  
Porter Wright Morris & Arthur LLP  
One South Main Street, Suite 1600  
Dayton, OH 45402  
937-449-6748 (phone)  
937-449-6820 (fax)  
[cgentry@porterwright.com](mailto:cgentry@porterwright.com)  
[acrawford@porterwright.com](mailto:acrawford@porterwright.com)  
[dshouvlin@porterwright.com](mailto:dshouvlin@porterwright.com)  
*Attorneys for Plaintiffs*

/s/ Hilary R. Damaser

Hilary R. Damaser (0059190)  
Brian R. Honen (0084880)  
Jahan S. Karamali (0093800)  
Cory J. Goe (0090500)  
Assistant Attorneys General  
Executive Agencies Section  
30 East Broad Street, 26<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-2980 (Phone)  
(614) 728-9470 (fax)  
[hilary.damaser@ohioattorneygeneral.gov](mailto:hilary.damaser@ohioattorneygeneral.gov)  
[brian.honen@ohioattorneygeneral.gov](mailto:brian.honen@ohioattorneygeneral.gov)  
[cory.goe@ohioattorneygeneral.gov](mailto:cory.goe@ohioattorneygeneral.gov)  
[jahan.karamali@ohioattorneygeneral.gov](mailto:jahan.karamali@ohioattorneygeneral.gov)  
*Attorneys for Defendant Registrar Don Petit  
Ohio Bureau of Motor Vehicles*

Dated: January 24, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically on January 24, 2019. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's systems.

s/ Emily M. Brown  
Emily M. Brown (0092553)  
*Attorney for Plaintiffs*